

**IDEA 2004 – Unique Factors
Relating to School Age
Children who are Deaf or
Hard of Hearing**



State Guidance

**Meeting the Needs of Students Who Are
Deaf or Hard of Hearing – Educational
Services Guideline (July 2006)**

National Association of State Directors of Special
Education, Inc. (NASDSE)

**Deaf and Hard of Hearing Students in
North Dakota Schools –
Informational Papers in Education**

Child Find

Section 300.111 Child Find.

(a) *General.* (1) The State must have in effect policies and procedures to ensure that -

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated; and

(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.



Evaluation

Section 300.304 (c) *Other evaluation procedures.* Each public agency must ensure that -

(1) Assessments and other evaluation materials used to assess a child under this part -

- (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- (ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
- (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
- (iv) Are administered by trained and knowledgeable personnel; and
- (v) Are administered in accordance with any instructions provided by the producers of the assessments.

Native Language

Section 300.29 **Native Language.**

- (a) *Native language*, when used with respect to an individual who is limited English proficient, means the following: (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a) (2) of this section. (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.
- (b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

Deafness and Hearing Impairment

Section 300.8 **Children with a disability.**

- (3) *Deafness* means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.
- (5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness.

Child Count

Year	State	NDSD	Total
2008	98	22	120
2007	95	14	109
2006	98	28	126
2005	110	29	139
2004	108	29	137
2003	118	29	147
2002	69	33	102
2001	67	35	102

IEP Team Members

Section 300.321 IEP Team.

(a) General. The public agency must ensure that the IEP team for each child with a disability includes -

(1) The parents of the child;

(2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

(3) Not less than one special education teacher of a child, or where appropriate, not less than one special education provider of the child;

(4) A representative of the public agency who (i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) is knowledgeable about the general education curriculum; and (iii) is knowledgeable about the availability of resources of the public agency;

(5) An individual who can interpret the instructional implication of evaluation results, who may be a member of the team described in paragraphs (a) (2) through (a) (6) of this section;

(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) Whenever appropriate, the child with a disability.



Special Factors

Section 300.324 (2) **Consideration of special factors.**
The IEP team also must –

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child needs assistive technology devices and services.

Related Services

Section 300.34 **Related services.**

(a) *General.* Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.



Related Services

Section 300.34 **Related Services.**

(c)(1) Audiology includes –

- (i) Identification of children with a hearing loss;
- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lipreading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.



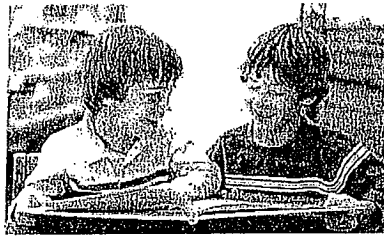
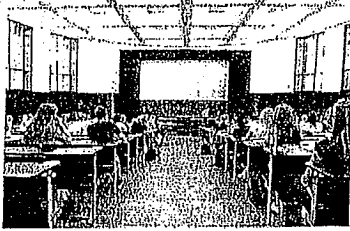
Related Services Exception

Section 300.34 **Related Services** (b) *Exceptions; services that apply to children with surgically implanted devices, including cochlear implants.*

(1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g. mapping) maintenance of that device, or the replacement of that device.

(2) Nothing in (b) (1) of this section – (i) Limits the right of a child with a surgically implanted device (e.g. cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP team to be necessary for the child to receive FAPE. (ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or (iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly as required in Section 300.113(b).

Accommodations and Adaptations



Hearing Aids and Surgically Implanted Devices

Section 300.113 Routine checking of hearing aids and external components of surgically implanted medical devices.

(a)Hearing aids. Each public agency must ensure that the hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

(b)External components of surgically implanted medical devices. (1) Subject to paragraph (b) (2) of this section, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly. (2) For a child with a surgically implanted medical device who is receiving special education and related services under this part, a public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

Least Restrictive Environment (LRE)

Section 300.114 (2) **LRE requirements.**

(2) Each public agency must ensure that -

- (i) To the maximum extent appropriate, children with disabilities, including children in public and private institutions or other care facilities, are educated with children who are nondisabled; and
- (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

LRE Continuum

Section 300.115 **Continuum of alternative placements.**

- (a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must -
 - (1) Include the alternative placements listed in the definition of special education under Section 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

LRE –Harmful Effect

Section 300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that -

- (a) The placement decision -
 - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions of this subpart, including Sections 300.114 through 300.118;
- (b) The child's placement -
 - (1) Is determined at least annually;
 - (2) Is based on the child's IEP; and
 - (3) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
- (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

